

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

APPEAL NO. 676 OF 2006

IN

MISC. PETITION NO.55 OF 2004

IN

PETITION NO.512 OF 2000

Francis Valentine D'Souza and others

.. Appellants

v/s.

Mr. Ferdinand Fernandes

.. Respondent

Mr. R.R. Naik for the Appellants.

CORAM : R.M.LODHA &
S.A.BOBDE, JJ.

DATED : 18TH SEPTEMBER,

2006.

P.C.

Heard.

2. The petition for revocation of the probate granted on 12th October, 2001 in respect of the Will executed by Ernestine Fernandes dated 24th June, 1991 was principally made by the present appellant on the ground that the alleged Will was illegal as the deceased Ernestine Fernandes sought to dispose of the property which did not belong to her.

3. We are afraid, on the said ground, the petition for

revocation of probate executed by Ernestine Fernandes on 24th June, 1991 was not maintainable and rightly dismissed by the learned Single Judge.

Appeal is dismissed in limine.

(R.M.LODHA, J.)

(S.A.BOBDE, J.)